



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/619,863

07/14/2003

Mehul Y. Shah

MS1-1539US

7761

22801 7590 11/16/2009  
LEE & HAYES, PLLC  
601 W. RIVERSIDE AVENUE  
SUITE 1400  
SPOKANE, WA 99201

EXAMINER

CHIO, TAT CHI

ART UNIT

PAPER NUMBER

2621

NOTIFICATION DATE

DELIVERY MODE

11/16/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/619,863	<b>Applicant(s)</b> SHAH ET AL.	
	<b>Examiner</b> TAT CHIO	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-31, 33-46 and 55-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-31, 33-46 and 55-59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/26/2009 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 8/26/2009 regarding to claims 1-9, 11-20, 29-31, 33-46, 55, 57-59 have been fully considered but they are not persuasive.

Applicant argues that the combination of Jaisimha and Robbin does not teach "determining if the computing device has an authority to record the multimedia content."

In response, the examiner respectfully disagrees. Jaisimha teaches in Fig. 8B whether the media file is enabled for intended access. If no, media server streams media file to media player. If yes, media server transmits media file to media player according to intended access and if the media file is enabled for record, then the media player stores transmitted data to local storage.

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 44-46 and 59 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Descriptive material can be characterized as either “functional descriptive material” or “nonfunctional descriptive material.” In this context, “functional descriptive material” consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of “data structure” is “a physical or logical relationship among data elements, designed to support specific data manipulation functions.” The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) “Nonfunctional descriptive material” includes but is not limited to music, literary works, and a compilation or mere arrangement of data.

Both types of “descriptive material” are nonstatutory when claimed as descriptive material per se, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)(discussing patentable weight of data structure limitations in the context of a statutory claim to a data structure stored on a computer readable medium that increases computer efficiency) and *Warmerdam*, 33 F.3d at 1360-61, 31 USPQ2d at 1759 (claim to computer having a specific data structure stored in memory held statutory product-by-process claim) with *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory).

In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program’s functionality to be realized, and is thus statutory. See *Lowry*, 32 F.3d at 1583-84, 32 USPQ2d at 1035.

Claims 44-46 and 59 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory matter as follows. Claims 28-29 define a recording medium embodying functional descriptive material. However, the claimed recording medium can be broadly interpreted to encompass non-statutory subject matter such as “signal”, “carrier wave”, or “transmission medium”. A “signal” embodying functional descriptive material is neither a process nor a product (i.e., a tangible “thing”) and therefore does not fall within one of the four statutory classes of 35 U.S.C. 101. Rather, “signal” is a form of energy, in the absence of any physical structure or tangible material.

Because the full scope of the claim as properly read in light of the disclosure encompasses non-statutory subject matter, the claim as a whole is non-statutory. The examiner suggests amending the claim to include the disclosed non-transitory recording medium, while at the same time excluding the transitory recording medium such as signals, carrier waves, etc. Any amendment to the claim should be commensurate with its corresponding disclosure.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims are 1-9, 15, 16, 18-20, 29-34, 36-40, 42, 55, 57, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaisimha et al. (US 6,487,663 B1) in view of Robbin (US 6,731,312 B2).

**Consider claims 1, 20, and 29**, Jaisimha et al. teach a method implemented on a computing device by a processor configured to execute instructions, that, when executed by the processor, direct the computing device to perform acts comprising: receiving multimedia content from a source (Fig. 5); creating a linked set of components to process the multimedia content (col. 8, lines 28-30 and col. 9, lines 16-23); determining if the computing device has an authority to record the multimedia content (col. 13, lines 19-28 and Fig. 8B); selectively providing a recording component in the

Art Unit: 2621

linked set of components to record the multimedia content if the computing device is determined to have the authority to record the multimedia content (col. 13, lines 19-28); and rendering the multimedia content with use of the linked set of components (col. 12, lines 52-61 and Fig. 8B) but does not explicitly teach the linked set of components does not include the recording component if the computing device is determined not to have the authority to record the multimedia content.

Robbin teaches the linked set of components does not include the recording component if the computing device is determined not to have the authority to record multimedia content (Fig. 3 and Fig. 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the techniques of not including the recording component in the linked set of components if the computing device is determined not to have the authority to record the multimedia content so that the user will be clear about whether the multimedia content can be recorded.

**Consider claims 2, and 31**, Jaisimha et al. teach the method wherein the receiving is from an Internet website (Fig. 5).

**Consider claim 3**, Jaisimha et al. teach the method wherein the receiving comprises protected multimedia content (claim 8)

**Consider claim 4**, Jaisimha et al. teach the method wherein the receiving comprises encrypted multimedia content and the determining is based as to the ability to decrypt the multimedia content (claim 13).

**Consider claim 5**, Jaisimha et al. teach the method wherein the creating comprises components to render the multimedia content whether providing a recording component is performed or not (col. 12, lines 52-61).

**Consider claims 6 and 34**, Jaisimha et al. teach the method wherein the creating is performed for every instance multimedia content is received (col. 10, lines 24-32).

**Consider claim 7**, Jaisimha et al. teach the method wherein the linked set of components is destroyed once rendering is complete (the user can close the RealPlayer once the rendering is complete).

**Consider claim 8**, Jaisimha et al. teach the method wherein the determining if the computing device has the authority is based on a predetermined protocol with the source (col. 2, lines 33-50).

**Consider claim 9**, Jaisimha et al. teach the method wherein the predetermined protocol is based on encryption and decryption keys shared with the source (col. 9, lines 37-42).

**Consider claim 15**, Jaisimha et al. teach the method wherein the providing is based on the recording component being registered to be installed in the linked set of components (since the Recording component comes with the RealPlayer, it is registered to be installed in the linked set of components, col. 13, lines 19-28).

**Consider claim 16**, Jaisimha et al. teach the method further comprising establishing a user interface component to the recording component, wherein the user interface component has a view associated therewith (col. 13, lines 22-25).

**Consider claim 18**, Jaisimha et al. teach the method wherein the user interface component is part of a media player that comprises the linked set of components (col. 13, lines 22-25).

**Consider claim 19**, Jaisimha et al. teach the method wherein the user interface component is external to a media player that comprises the linked set of components (the user uses a mouse (user interface that is external to the media player) to click on the record command button, col. 13, lines 22-25).

**Consider claim 20**, Jaisimha et al. teach a personal computer that performs the method of claim 1 (col. 5, lines 30-50 and Fig. 2).

**Consider claim 30**, Jaisimha et al. teach the computer wherein the multimedia content comprises audio content and video content (col. 12, lines 52-61).

**Consider claim 32**, Jaisimha et al. teach the computer wherein the means for rendering comprises creating a linked set of components (col. 10, lines 24-32).

**Consider claim 33**, Jaisimha et al. teach the computer wherein the linked set of components comprises a recording component (col. 13, lines 19-28).

**Consider claim 36**, Jaisimha et al. teach the computer wherein the means for storing comprises setting a flag in a recording component to indicate that the computing device has the authority to record the multimedia content (col. 13, lines 28-35).

**Consider claim 37**, Jaisimha et al. and Robbin teach a computer comprising: a memory (col. 5, lines 30-50); a processor coupled to the memory (col. 5, lines 30-50 of Jaisimha et al.); and instructions stored in the memory and executable on the processor to access streaming multimedia content from a source (Fig. 5 of Jaisimha et al.), render



the streaming multimedia content by creating a linked set of components (col. 12, lines 52-61 of Jaisimha et al.), determine if the computer has an authority to record the streaming multimedia content (col. 13, lines 19-28 and Fig. 8B of Jaisimha et al.), selectively initiate a recording component to record the multimedia content if the computer is determined to have the authority to record the streaming multimedia content (Fig. 8B and col. 13, lines 19-28 of Jaisimha et al.), and store the streaming multimedia content to a local storage device (Fig. 8B of Jaisimha et al.), with the recording component being omitted if the computer is determined not to have the authority to record the multimedia content (Fig. 8A, Fig. 8B, and col. 12, lines 52-61 of Jaisimha et al. and Fig. 3 and Fig. 4 of Robbin).

**Consider claim 38**, Jaisimha et al. teach the computer wherein the streaming multimedia content is received from an Internet website (Fig. 5).

**Consider claim 39**, Jaisimha et al. teach the computer wherein the streaming multimedia comprises encrypted multimedia content (claim 8 and claim 13).

**Consider claim 40**, Jaisimha et al. teach the computer wherein the computer has the authority to record the multimedia content if the computer is able to decrypt the encrypted multimedia content (claim 13).

**Consider claim 42**, Jaisimha et al. teach the computer wherein the instructions further comprise providing a user interface to initiate rendering and recording (col. 5, lines 42-49, RealPlayer has user interface (play button) for rendering and col. 13, lines 19-28).

**Consider claim 55**, Jaisimha et al. teach the method wherein the user interface component is destroyed when a differing view of the user interface component is chosen (Fig. 3).

**Consider claim 57**, Jaisimha et al. teach the computer further comprising establishing means for creating a user interface component to the recording component, wherein the user interface component has a view associated therewith (col. 12, lines 22-25), and destroying the user interface component when a differing view of the user interface component is chosen (Fig. 3).

**Consider claim 58**, Jaisimha et al. teach the computer wherein the user interface component is destroyed when a differing view of the user interface component is chosen (Fig. 3)

3. Claims 11-14, 21, 23-28, 35, 41, 44, 45, 56, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaisimha et al. (US 6,487,663 B1) in view of Robbin (US 6,731,312 B2) and Kimura (US 6,744,975 B1).

**Consider claim 11**, Jaisimha et al. and Robbin teach all the limitations in claim 1 but fail to explicitly teach the method wherein the providing a recording component comprises a writer component connected to the recording component which stores the multimedia content to a local storage device.

Kimura teaches the method wherein the providing a recording component comprises a writer component connected to the recording component which stores the multimedia content to a local storage device (18, 21, 22, and 23 of Fig. 1 are the equivalents of the write component). Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to incorporate the writer component to store the multimedia content in a local storage device for later viewing.

**Consider claim 12**, Kimura further teaches the method wherein the multiplexes audio and video content (15 of Fig. 1).

**Consider claim 13**, Kimura further teaches the method wherein the writer component compresses the multimedia prior to storing to the local storage device (12 and 14 of Fig. 1).

**Consider claim 14**, Kimura further teaches the method wherein the writer component makes use of a predetermined protocol to store the multimedia content to the local storage device, where the predetermined protocol is used to play back the multimedia content (col. 4, lines 29-32).

**Consider claim 35**, Kimura teaches the computer wherein the means for storing comprises a writer component that is initiated if multimedia content is authorized to be stored (col. 5, lines 10-22).

**Consider claim 41**, Kimura teaches the computer wherein the instructions further comprise separating the multimedia content into audio content and video content that are rendered separately (Fig. 1).

**Consider claim 44**, Jaisimha et al. Robbin, and Kimura teach a computer-readable medium having computer-executable instructions, which, when executed by a computer-implement a method or system comprising: contacting a server computer to send multimedia content (Fig. 5 of Jaisimha et al.); receiving the multimedia content (Fig. 5 of Jaisimha et al.); determining if the computer has the authority to record the

Art Unit: 2621

multimedia content (col. 13, lines 19-28 and Fig. 8B of Jaisimha et al.); separating the multimedia content into audio content and video content (Fig. 1 of Kimura); decompressing the audio content and video content (35 and 37 of Fig. 1 of Kimura); creating an instance of a recording component to record the decompressed audio content and video content if the computer is determined to have the authority to record the multimedia content (Fig. 8B and col. 13, lines 19-28 of Jaisimha et al.); rendering to audio output the decompressed audio content and to video output the decompressed video content, with the rendering using the instance of the recording component if the computer is determined to have the authority to record the multimedia content (Fig. 8B and col. 12, lines 52-61 of Jaisimha et al.); and destroying the instance of the recording component after the multimedia content is rendered if the computer is determined not to have the authority to record the multimedia content (the user can close the RealPlayer once the rendering is complete), to record the multimedia content (Fig. 8A, Fig. 8B, and col. 12, lines 52-61 of Jaisimha et al. and Fig. 3 and Fig. 4 of Robbin)

**Consider claim 45**, Jaisimha et al. teach the computer-readable medium further comprising a step of writing the decompressed audio and video content to a local file if the computer is determined to have the authority to record (col. 13, lines 19-33).

**Consider claim 59**, Jaisimha et al. teach the computer-readable medium further comprising establishing a user interface component to the recording component, wherein the user interface component has a view associated therewith (col. 13, lines 22-25), and destroying the user interface component when a differing view of the user interface component is chosen (Fig. 3).

Art Unit: 2621

1. Claims 17 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaisimha et al. (US 6,487,663 B1) in view of Robbin (US 6,731,312 B2) and Horie et al. (US 2002/0094191 A1).

**Consider claims 17 and 43**, Jaisimha et al. teach all the limitation in claim 1 but fail to teach the method wherein the user interface component provides status as to recording and rendering states.

Horie et al. teach the method wherein the user interface component provides status as to recording and rendering states ([0089] and [0108]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide status of the recording and rendering states to show the user the progress of the recording and rendering.

2. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jaisimha et al. (US 6,487,663 B1) in view of Robbin (US 6,731,312 B2) and Kimura (US 6,744,975 B1) as applied to claim 44 above, and further in view of Horie et al. (US 2002/0094191 A1).

**Consider claim 46**, Jaisimha et al. and Kimura teach all the limitations in claim 44 but fail to teach the computer-readable medium further comprising a step of providing states as to recording and rendering.

Horie et al. teach the method wherein the user interface component provides status as to recording and rendering states ([0089] and [0108]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

provide status of the recording and rendering states to show the user the progress of the recording and rendering.

3. Applicant's arguments with respect to claims 21-28 and 56 have been considered but are moot in view of the new ground(s) of rejection.

4. Claims 21, 23-28, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaisimha et al. (US 6,487,663 B1) in view of Robbin (US 6,731,312 B2), Kimura (US 6,744,975 B1), and Thompson et al. (5,091,938).

**Consider claim 21**, Jaisimha et al., Robbin, and Kimura teach a method implemented on a computing device by a processor configured to execute instructions, that, when executed by the processor, direct the computing device to perform acts comprising: receiving a stream of multimedia content from a source (Fig. 5 of Jaisimha et al.); determining if the computing device has an authority to record the audio content and the video content (col. 13, lines 19-28 and Fig. 8B of Jaisimha et al. ), initiating a first linked set of components to process the audio content, and a second linked set of components to process the video content (col. 8, lines 28-30 and col. 9, lines 16-23 of Jaisimha et al.); creating a first recording component in the first linked set of components to record the audio content if the computing device is determined to have the authority to record the audio content, and a second recording component in the second linked set of components to record video content if the computing device is determined to have the authority to record the video content (col. 13, lines 19-28 and Fig. 8 of Jaisimha et al.); and providing audio output from the first linked set of

Art Unit: 2621

components and video output from the second linked set of components (col. 12, lines 52-61 of Jaisimha et al.).

However, Jaisimha does not explicitly teach with the first recording component being omitted from the first linked set of components if the computing device is determined not to have the authority to record the audio content and the second recording component being omitted from the second linked set of components, if the computing device is determined not to have the authority to record multimedia content

Robbin teaches with the first recording component being omitted from the first linked set of components if the computing device is determined not to have the authority to record the audio content and the second recording component being omitted from the second linked set of components, if the computing device is determined not to have the authority to record multimedia content (Fig. 3 and Fig. 4 of Robbin). ). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the techniques of not including the recording component in the linked set of components if the computing device is determined not to have the authority to record the multimedia content so that the user will be clear about whether the multimedia content can be recorded.

However, Jaisimha and Robbin do not explicitly teach separating the streamed multimedia content into audio content and video content.

Kimura teaches separating the streamed multimedia content into audio content and video content (34 of Fig. 1 of Kimura). Therefore, it would have been obvious to one

Art Unit: 2621

of ordinary skill in the art at the time the invention was made to separate the streamed multimedia content into audio content and video content for efficient processing.

However, Jaisimha, Robbin, and Kimura do not explicitly teach the authority to record the audio content is independent of the authority to record the video content.

Thompson teaches the authority to record the audio content is independent of the authority to record the video content (col. 24, lines 33-57 and col. 41, lines 7-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have authorities for video and audio recording to protect the video and audio from unauthorized access.

Jaisimha et al., Robbin, Kimura, and Thompson teach the claimed invention except for a first and a second linked set of components to process, record, and output video and audio contents respectively. It would have been obvious to one of ordinary skill in the art at the time the invention was made to separate the linked set of components that are able to process, record, and output video and audio contents into two linked sets of components since it has been held that constructing formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

**Consider claim 23**, Jaisimha et al. teach the method wherein the receiving the stream of multimedia content is from an Internet source (Fig. 5).

**Consider claim 24**, Jaisimha et al. teach the method wherein the receiving the stream comprises protected multimedia content (claim 8).



**Consider claim 25**, Jaisimha et al. and Robbin teach the method wherein the creating is performed based on registration of the first recording component if the computing device has the authority to record audio content, and registration of the second recording component if the computing device has the authority to record video content (since the Recording component comes with the RealPlayer, it is registered to be installed in the linked set of components, col. 13, lines 19-28 of Jaisimha and Fig. 3 and Fig. 4 of Robbin).

**Consider claim 26**, Jaisimha et al. teach the method wherein the creating of first and second recording components is based on a predetermined protocol to allow recording of audio and video content (col. 2, lines 33-50).

**Consider claim 27**, Jaisimha et al. and Kimura fail to explicitly teach the method wherein the creating of the first recording component is performed when the computing device has the authority to record if audio content is not protected, and creating the second recording component is performed when the computing device has the authority if video content is not protected. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to create the first and second recording component as authorized to record audio and video, respectively, if they are not protected since it was known in the art that if the audio and video are not protected, they are free to record.

**Consider claim 28**, Jaisimha et al. teach the method wherein the creation of the first recording component is performed when the computing device has the authority to record if a predetermined protocol is established to allow audio content to be copied,

and creation of the second recording component is performed when the computing device has the authority to record if the predetermined protocol is established to allow video content to be copied (Fig. 8B and col. 13, lines 19-28).

**Consider claim 56**, Jaisimha et al. teach the method further comprising establishing a user interface component to the recording component, wherein the user interface component has a view associated therewith (col. 13, lines 22-25), and destroying the user interface component when a differing view of the user interface component is chosen (Fig. 3).

3. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jaisimha et al. (US 6,487,663 B1) in view of Robbin (US 6,731,312 B2), Kimura (US 6,744,975 B1), and Thompson et al. (5,091,938) as applied to claim 21 above, and further in view of Hazra (US 6,510,553 B1).

**Consider claim 22**, Jaisimha, Robbin, Kimura, and Thompson teach all the limitations in claim 21 but fail to teach the method wherein the receiving the stream of multimedia content is from a separate source on a network.

Hazra teaches the method wherein the receiving the stream of multimedia content is from a separate source on a network (Fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to receive the stream of multimedia content from a separate source on a network to decrease the receiving time of the multimedia content.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAT CHIO whose telephone number is (571)272-9563. The examiner can normally be reached on Monday - Thursday 9:00 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Q. Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. C. C./  
Examiner, Art Unit 2621

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621